

1-1 By: Uresti S.B. No. 886
 1-2 (In the Senate - Filed February 27, 2013; March 5, 2013,
 1-3 read first time and referred to Committee on Health and Human
 1-4 Services; March 28, 2013, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; March 28, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Deuell	X			
1-9 Huffman	X			
1-10 Nichols	X			
1-11 Schwertner			X	
1-12 Taylor	X			
1-13 Uresti	X			
1-14 West	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to extended foster care for certain young adults and the
 1-20 extended jurisdiction of a court in a suit affecting the
 1-21 parent-child relationship involving those young adults.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subdivisions (1), (3-a), and (4), Section
 1-24 263.601, Family Code, are amended to read as follows:

1-25 (1) "Extended foster [~~Foster~~] care" means a
 1-26 [~~voluntary~~] residential living arrangement in which a young adult
 1-27 voluntarily delegates to the department responsibility for the
 1-28 young adult's placement and care and in which the young adult
 1-29 resides with a foster parent or other residential services
 1-30 [~~child-care~~] provider that is:

1-31 (A) licensed or approved by the department or
 1-32 verified by a licensed or certified child-placing agency; and

1-33 (B) paid under a contract with the department.

1-34 (3-a) "Trial independence [~~period~~]" means the status
 1-35 assigned to a young adult under Section 263.6015 [~~a period of not~~
 1-36 ~~less than six months, or a longer period as a court may order not to~~
 1-37 ~~exceed 12 months, during which a young adult exits foster care with~~
 1-38 ~~the option to return to foster care under the continuing extended~~
 1-39 ~~jurisdiction of the court].~~

1-40 (4) "Young adult" means a person [~~between 18 and 21~~
 1-41 ~~years of age]~~ who [~~+~~

1-42 [~~(A)~~] was in the conservatorship of the
 1-43 department on the day before the person's 18th birthday [~~, and~~

1-44 [~~(B)~~ after the person's 18th birthday, resides in
 1-45 foster care or receives transitional living services from the
 1-46 department].

1-47 SECTION 2. Subchapter G, Chapter 263, Family Code, is
 1-48 amended by adding Section 263.6015 to read as follows:

1-49 Sec. 263.6015. TRIAL INDEPENDENCE. (a) A young adult is
 1-50 assigned trial independence status when the young adult:

1-51 (1) does not enter extended foster care at the time of
 1-52 the young adult's 18th birthday; or

1-53 (2) exits extended foster care before the young
 1-54 adult's 21st birthday.

1-55 (b) Except as provided by Subsection (c), a court order is
 1-56 not required for a young adult to be assigned trial independence
 1-57 status. Trial independence is mandatory for a period of at least
 1-58 six months beginning on:

1-59 (1) the date of the young adult's 18th birthday for a
 1-60 young adult described by Subsection (a)(1); or

1-61 (2) the date the young adult exits extended foster

2-1 care.

2-2 (c) A court may order trial independence status extended for
 2-3 a period that exceeds the mandatory period under Subsection (b) but
 2-4 does not exceed one year from the date the period under Subsection
 2-5 (b) commences.

2-6 (d) Except as provided by Subsection (e), a young adult who
 2-7 enters or reenters extended foster care after a period of trial
 2-8 independence must complete a new period of trial independence as
 2-9 provided by Subsection (b)(2).

2-10 (e) The trial independence status of a young adult ends on
 2-11 the young adult's 21st birthday.

2-12 SECTION 3. Subsections (a), (b), (f), and (g), Section
 2-13 263.602, Family Code, are amended to read as follows:

2-14 (a) Except as provided by Subsection (f), a [A] court that
 2-15 had [~~continuing, exclusive~~] jurisdiction over a young adult on the
 2-16 day before the young adult's 18th birthday continues to have
 2-17 extended jurisdiction over the young adult and shall retain the
 2-18 case on the court's docket while the young adult is [~~remains~~] in
 2-19 extended foster care and during [~~a~~] trial independence as as [~~period~~]
 2-20 described by Section 263.6015 [~~this section~~].

2-21 (b) A court with extended jurisdiction over a young adult
 2-22 [~~who remains~~] in extended foster care shall conduct extended foster
 2-23 care review hearings every six months for the purpose of reviewing
 2-24 and making findings regarding:

2-25 (1) whether the young adult's living arrangement is
 2-26 safe and appropriate and whether the department has made reasonable
 2-27 efforts to place the young adult in the least restrictive
 2-28 environment necessary to meet the young adult's needs;

2-29 (2) whether the department is making reasonable
 2-30 efforts to finalize the permanency plan that is in effect for the
 2-31 young adult, including a permanency plan for independent living;

2-32 (3) whether, for a young adult whose permanency plan
 2-33 is independent living:

2-34 (A) the young adult participated in the
 2-35 development of the plan of service;

2-36 (B) the young adult's plan of service reflects
 2-37 the independent living skills and appropriate services needed to
 2-38 achieve independence by the projected date; and

2-39 (C) the young adult continues to make reasonable
 2-40 progress in developing the skills needed to achieve independence by
 2-41 the projected date; and

2-42 (4) whether additional services that the department is
 2-43 authorized to provide are needed to meet the needs of the young
 2-44 adult.

2-45 (f) Unless the court extends its jurisdiction over a young
 2-46 adult beyond the end of trial independence as provided by Section
 2-47 263.6021(a) or 263.603(a), the court's [~~A court with~~] extended
 2-48 jurisdiction over a young adult as described in Subsection (a)
 2-49 terminates on [~~shall continue to have jurisdiction over the young~~
 2-50 adult and shall retain the case on the court's docket until] the
 2-51 earlier of:

2-52 (1) the last day of the month in which trial
 2-53 independence ends [~~+~~]

2-54 [~~(A) sixth month after the date the young adult~~
 2-55 ~~leaves foster care; or~~

2-56 [~~(B) 12th month after the date the young adult~~
 2-57 ~~leaves foster care if specified in a court order, for the purpose of~~
 2-58 ~~allowing the young adult to pursue a trial independence period]; or~~

2-59 (2) the young adult's 21st birthday.

2-60 (g) A court with extended jurisdiction described by this
 2-61 section is not required to conduct periodic hearings described in
 2-62 this section for a young adult during [~~a~~] trial independence
 2-63 [~~period~~] and may not compel a young adult who has elected to not
 2-64 enter or has exited extended foster care to attend a court hearing.
 2-65 A court with extended jurisdiction during trial independence may,
 2-66 at the request of a young adult, conduct a hearing described by
 2-67 Subsection (b) or by Section 263.6021 to review any transitional
 2-68 living services the young adult is receiving during trial
 2-69 independence.

3-1 SECTION 4. Subsections (a) and (b), Section 263.6021,
3-2 Family Code, are amended to read as follows:

3-3 (a) Notwithstanding Section 263.602, a court that had
3-4 [~~continuing, exclusive~~] jurisdiction over a young adult on the day
3-5 before the young adult's 18th birthday may, at the young adult's
3-6 request, render an order that extends the court's jurisdiction
3-7 beyond the end of [~~a~~] trial independence [~~period~~] if the young adult
3-8 receives transitional living services from the department.

3-9 (b) Unless the young adult reenters extended foster care
3-10 before the end of the court's extended jurisdiction described by
3-11 Subsection (a), the [~~The~~] extended jurisdiction of the court under
3-12 this section terminates on the earlier of:

- 3-13 (1) the young adult's 21st birthday; or
- 3-14 (2) the date the young adult withdraws consent to the
3-15 extension of the court's jurisdiction in writing or in court.

3-16 SECTION 5. Section 263.603, Family Code, is amended by
3-17 adding Subsection (d) to read as follows:

3-18 (d) Notwithstanding any other provision of this subchapter,
3-19 a young adult for whom a guardian is appointed and qualifies is not
3-20 considered to be in extended foster care or trial independence and
3-21 the court's jurisdiction ends on the date the guardian for the young
3-22 adult is appointed and qualifies unless the guardian requests the
3-23 extended jurisdiction of the court under Section 263.604.

3-24 SECTION 6. The changes in law made by this Act to Subchapter
3-25 G, Chapter 263, Family Code, apply to a suit affecting the
3-26 parent-child relationship that is:

- 3-27 (1) filed on or after the effective date of this Act;
- 3-28 and
- 3-29 (2) pending in a trial court on the effective date of
3-30 this Act, regardless of the date on which the suit was filed.

3-31 SECTION 7. This Act takes effect September 1, 2013.

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